

**THE LABOR COMMISSION
WORKERS' COMPENSATION ADVISORY COUNCIL**

**Thursday, June 13, 2013 – 12:00 P.M.
Room 319, Heber M. Wells Bldg.
Salt Lake City, Utah**

The following Advisory Council members were in attendance:

Jan Moffitt, Workers Compensation Fund (for Ray Pickup)
Brian Kelm, Esq.
Richard J. Thorn, President/CEO, Associated General Contractors - Utah Chapter
Edward Holmes, M.D., Summit View Medical
Brandon Dew, Central Utah Federation of Labor
Jeff Rowley, Salt Lake County
K. Dawn Atkin, Esq., Atkin & Associates
Tracey Klausmeier, Utah Dept of Insurance
Dave Davis, President, Utah Food Industry Association
Brandt Goble, Painters and Tapers Local 77
Reo Castleton, President, SL Cnty Fire Dept Local 1696
Rep. Jim Dunnigan

The following Advisory Council members were excused:

Todd Bingham, President, Utah Manufacturers Association
Sen. Karen Mayne
David Bird, Esq., Parsons Behle and Latimer
Kathleen Bissell, Liberty Mutual

Others Present:

Sherrie Hayashi, Commissioner
Jaceson Maughan, Deputy Commissioner
Ron Dressler, Director, Division of Industrial Accidents, Labor Commission
Sara Danielson, Utah Labor Commission, Administrative Assistant
Stan Mead, Gallaher Settlement
Heather Gunnarson, Labor Commission Adjudication Division
Julie Clark, State Risk Management

WELCOME

Welcome –Commissioner, Sherrie Hayashi brought the meeting to order at 12:04 p.m.

Miscellaneous Business:

Commissioner Hayashi introduced Jaceson Maughan as the new Deputy Commissioner / General Counsel. Jaceson provided a brief background of his work experience.

Dawn Atkin moved that the minutes from the April 10, 2013, meeting be approved. Brandon Dew seconded the motion. Voting was unanimous in the affirmative.

Dave Davis moved that the minutes from the February 8, 2013, meeting be approved. Jeff Rowley seconded the motion. Voting was unanimous in the affirmative.

Advisory Council Representative Reappointments:

Commissioner Hayashi explained that because the current members of the council are active and well versed in the issues presented to the council, she is reappointing the following members for another term: David Bird, Rich Thorn, Jeff Rowley, Reo Castleton, Brandon Dew and Kathleen Bissell.

Adjudication Update:

Heather Gunnarson presented a couple of housekeeping rule changes. She explained that there is currently a rule change pending to allow the Parowan office to close on Fridays. As soon as this change has become effective, a second change will be made to allow electronic filing until midnight of the due date, and in-person filing until close of business (5:00 pm).

Heather Gunnarson also presented a rule change to R602-2-1. This rule change will clarify that discovery requests need response to independent of the disclosure rules. For example, if a discovery request for medical records is received at the beginning of the case, it needs to be responded to at that time and not delayed until the Medical Records Exhibit is disclosed prior to hearing. Dawn Atkin moved to support this change. Brandt Goble seconded the motion. Voting was unanimous in the affirmative.

Heather Gunnarson informed the council that application for the Medical Director position will be accepted until next Friday. Interviews will be held in July. This position will be to help Adjudication with the Medical Panel training and recruiting panel members.

Workplace Safety Grants:

Elena Bensor distributed a handout listing the grantees of the Workplace Safety Grants. She explained that funding is down at the moment; if there are more funds available in August, the committee may reconvene and award more grants. Dave Davis suggested that maybe the grants should be disbursed in July or August when the total funds collected have been reported and distributed to the Workplace Safety Account. Commissioner Hayashi mentioned that in order to postpone the issuance of the grants into July, the Commission would need non-lapsing authoring over those funds.

Tax Commission Update:

Ron Dressler explained that there has been a significant drop in the self insured funds. The Tax Commission's audit director has stated that audits will be conducted of several of the self insured employers that have had the most significant reductions. The results of those audits cannot be shared with the Labor Commission.

Ron Dressler also distributed handouts of the financial situations of the UEF / ERF / Workplace Safety and IARA accounts. He stated that if there were any questions, to please direct them to Dave Lamb, who asked to be excused from today's meeting.

Reemployment Act:

Sherrie Hayashi explained that the Reemployment Act is up for sunset review next session. She stated that she wanted the council to discuss what should be the future of the Act – sunset, revision or modification.

Discussion was held. The consensus was that the purpose of the act is good and should continue, but that the report requirements are no longer necessary. There was discussion that maybe the purpose of the act should be placed into the Workers Compensation Act and the Reemployment Act removed. It was also discussed that getting an employee back to work sooner rather than later is better for all involved.

Dave Davis made a motion to allow the Reemployment Act to sunset, take the purpose of the Act and place it in the Workers Compensation Act where it would be more appropriate. Rich Thorn amended the motion to include doing those two things simultaneously. Jeff Rowley amended the motion again to include sending the matter to the Council's Medical Committee for review. Brian Kelm seconded the amended motion. Voting was unanimous in the affirmative.

Other Business:

Next meeting September 18, 2013, at noon.

Meeting adjourned at 1:15 pm.